

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ERB LEGAL INVESTMENTS, LLC,	)	
	)	
Plaintiff,	)	Case No. 4:20-cv-1255-DNN
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
QUINTESSA MARKETING, LLC,	)	
	)	
Defendant.	)	

**JOINT PROPOSED SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f) and the Order Setting Rule 16 Conference (Doc. ), and having met and conferred regarding the above-captioned lawsuit, the parties, by and through counsel, jointly propose to the Court the following scheduling plan. The parties have consented to a stay in this matter until the Western District of Oklahoma issues a ruling on a pending motion to dismiss for lack of personal jurisdiction regarding similar litigation therein. This Joint Proposed Scheduling Order is submitted with the understanding that the Court has not yet issued a formal order to stay these proceedings:

- a. This case has been assigned to Track 2 (Standard), which the parties believe is appropriate.
- b. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **December 30, 2020**.
- c. Discovery shall be conducted as follows:
  - i. At this time, the parties do not anticipate disputes concerning electronic discovery, and agree to meet and confer on such issues if necessary.
  - ii. The Federal Rules of Evidence shall apply to claims of privilege. The Federal Rules of Civil Procedure shall apply to trial preparation material. No other agreements are in place at this time for asserting claims of privilege or of protection of trial-preparation materials.

- iii. The parties shall exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1) by **December, 2020**.
- iv. The parties agree that discovery need not be conducted in phases or limited to certain issues.
- v. Plaintiff shall disclose all expert witnesses and shall provide reports required by Fed. R. Civ. P. 26(a)(2) no later than **May 15, 2021**, and shall make experts available for deposition no later than **June 15, 2021**.  
  
Defendant shall disclose all expert witnesses and shall provide reports no later than **August 15, 2021** and make experts available for deposition no later than **September 15, 2021**.
- vi. The presumptive limits of ten depositions per side as set forth in Fed. R. Civ. P. 30(a)(2)(A) and twenty-five interrogatories per party as set forth in Fed. R. Civ. P. 33(a) should apply in this case.
- vii. All discovery shall be completed by **September 15, 2021**.
- d. The parties agree that this case is appropriate for mediation. Mediation shall take place on or before **April 30, 2021**. Plaintiff's counsel will act as lead counsel for the referral to mediation.
- e. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, or any motions to limit or exclude expert testimony must be filed no later than **October 1, 2021**. Opposition briefs shall be filed no later than thirty days after the motion. Any reply brief may be filed no later than ten days following the response brief.
- f. The earliest date by which this case should reasonably be expected to be ready for trial is **November 15, 2021**.
- g. The parties estimate the length of time expected to try the case to verdict to be three days.

WHEREFORE, the Parties request that this Court adopt this Joint Proposed Scheduling Plan, and for any other relief as this Court deems proper.

Respectfully submitted,

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